



CITY OF TEXARKANA
CITY COUNCIL
AGENDA • JANUARY 11, 2021

Virtual**Regular Meeting****6:00 PM**

220 TEXAS BLVD.
TEXARKANA, TX 75501

Special Notice and Meeting Procedures Due to COVID-19

Pursuant to the temporary suspension of certain open meetings laws to mitigate the spread of COVID-19, this meeting of the City Council will not be conducted in person and will not be conducted at City Hall. This meeting will be conducted by video conference and telephone call. At least a quorum of the City Council will be participating by video conference or telephone call in accordance with the provisions of Sections 551.125 or 551.127 of the Texas Government Code that have not been suspended by order of the Governor. To watch the meeting, the public may continue to access the City's regular meeting by internet livestream through the Quick Links "City Meeting Videos and Agendas" posted on the city's website ci.texarkana.tx.us. The public may also access agenda packet materials at the same website location.

Public Hearings

Audio/video (A/V) conferencing for virtual two-way communication with the City Council will be made available for noticed public hearings only. If your computer or personal device is not capable of A/V conferencing, then you should use audio-only or telephone conferencing.

A/V conferencing may be accessed using an internet browser, going to the Zoom platform at this URL, <https://tinyurl.com/TXKTXCCM11121>, following the registration instructions, and completing the registration process. **Registration must be completed by 5:00 p.m. on the day of the meeting.**

Telephone conferencing may be accessed by calling toll free 1 888-788-0099 or 1 877-853-5247, and when prompted enter Webinar ID 943-4942-1902 and passcode 01112021.

Public hearing participants should be ready to comment by following the Mayor's instructions during the meeting when he opens each public hearing.

Due to technical limitations, please do not use both A/V conferencing and telephone conferencing.

Open Forum

Anyone who wishes to speak before the City Council may use the telephone conferencing access numbers and codes referenced earlier in these instructions and should be ready to comment by following the Mayor's instructions during the meeting when reaching the "Open Forum" segment of the agenda. Please provide your name, subject of comment, address, and ward number if a resident of the City. Rules of decorum will apply to all public comments as would be applied during in-person meetings. Per Council rules, comment time is limited to five (5) minutes; the Council encourages groups of three or more persons to appoint one person to present the group's comment; and if the subject of the comment does not pertain to an item on the meeting agenda, the City Council cannot act, vote, or deliberate on the comment submitted.

In the event the number of requests exceed technical limits on virtual conferencing, priority for virtual conferencing will be afforded to public hearing participants.

Mayor

Bob Bruggeman

Ward 1

Jean H. Matlock

Ward 3

Betty Williams

Ward 5

Bill Harp

Ward 2

Mary Hart

Ward 4

Christie Alcorn

Ward 6

Jay Davis



The City Council reserves the right to convene into closed session on any agenda item or issue should the need arise and if applicable pursuant to authorization by the Texas Open Meetings Act (Title 5, Chapter 551 of the Texas Government Code).

If the City Council convenes into closed session, they will reconvene in one hour or less to take any final action, decision, or vote on a matter deliberated in closed session.

- I. CALL TO ORDER, ROLL CALL, ESTABLISHMENT OF QUORUM**
- II. INVOCATION AND PLEDGE LED BY COUNCIL MEMBER BETTY WILLIAMS**
- III. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST**

Upcoming City Council Meetings:

Monday, January 25, 2021 at 6:00 p.m.
Monday, February 8, 2021 at 6:00 p.m.
Monday, February 22, 2021 at 6:00 p.m.

Parks & Recreation Events:

No events are scheduled. Any additional Parks & Recreation information can be found on the city's website at <http://www.ci.texarkana.tx.us> or by contacting staff at (903) 798-3978.

IV. OPEN FORUM: COMMENTS FROM THE PUBLIC

Per Council rules, comment time is limited to five minutes, or ten minutes if using a translator. Before comments are made, a speaker must complete an information sheet and give to the City Secretary. If your comment pertains to an agenda item with a scheduled public hearing or public comment, the Council requires that you make your comment at that time; you do not need to complete an information sheet.

V. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

VI. ITEMS FOR CONSIDERATION

Consent Items

1. Consider approval of the minutes of the Regular Meeting of the City Council held on December 14, 2020 at 6:00 PM.

Action Items

[No action items]

VII. FIRST BRIEFINGS

1. Ordinance No. 2020-133 rezoning a 5-acre tract of land being Tract 7D in the M E P & P Rwy. Co. HRS, A-433, located at 2800 West 15th Street. Multiple Family-1 to Planned Development-Neighborhood Service. Xiaoqing (Williams) Zhang, Texas Investments & Property, under contract to purchase. Bryan Henry, agent.

Public Hearing: January 25, 2021
Council Vote: January 25, 2021

2. Ordinance No. 2021-001 rezoning Lots 4-6, Block 4, Lots 1-6 and Lots 9-12, Block 5 South Texarkana Addition, located in the 2000-2100 block of South State Line Avenue and 2100 block of Spruce Street. Agriculture to Single Family-3. Keith Wiley and Southark Properties, LLC, owners. (A 3/4 vote of the City Council is required to approve this request.)

Public Hearing: January 25, 2021
Council Vote: January 25, 2021

3. Ordinance No. 2021-004 amending Chapter 28 “Offenses and Miscellaneous Provisions” of the Code of Ordinances by amending Article VI “Reserved” to “Operation and Landing of Helicopters”.

Public Hearing: January 25, 2021
Council Vote: January 25, 2021

VIII. PUBLIC HEARINGS**IX. ITEMS FOR DISCUSSION**

Staff Updates

COVID-19 - by Fire Chief Eric Schlotter

X. ADMINISTRATIVE COMMENTS

1. City Council
2. City Staff

XI. ADJOURNMENT



Jennifer Evans
City Secretary

This open meeting of a governmental entity is subject to the Texas Open Meetings Act (Chapter 551, Government Code). The “Council Chambers” is the room or property where the City Council will hold this meeting.

Pursuant to Section 46.035(c), Penal Code (unlawful carrying of handgun by license holder), a license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun under the authority of Subchapter H, Chapter 411, Government Code, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, in the room or rooms where a meeting of a governmental entity is held and if the meeting is an open meeting subject to Chapter 551, Government Code, and the entity provided notice as required by that chapter.

Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

This meeting is being conducted in accordance with the Americans with Disabilities Act [42 USC 12101 (1991)]. The facility is wheelchair accessible and handicap parking is available. Requests for sign interpretive services are available upon requests received at least 48 hours prior to the meeting. To make arrangements for these services, please call 903.798.3917, Personnel or (TDD) 1.800.RELAY.TX (1.800.735.2989).



CITY OF TEXARKANA
CITY COUNCIL
MINUTES • DECEMBER 14, 2020

Council Chambers**Regular Meeting****6:00 PM**

220 TEXAS BLVD.
TEXARKANA, TX 75501

I. CALL TO ORDER, ROLL CALL, ESTABLISHMENT OF QUORUM

**This council meeting was held entirely via the Zoom video conferencing platform.
 Council members participated from their separate respective locations.**

Member Name	Title	Status	Arrived
Bruggeman	Mayor	Present	
Matlock	Ward 1	Present	
Cart	Ward 2	Present	
Williams	Ward 3	Present	
Alcorn	Ward 4	Present	
p	Ward 5	Present	
is	Ward 6	Present	

Staff Present: City Manager Shirley Jaster, Jennifer Evans, Robby Robertson, Dusty Henslee, Lisa Thompson, Eric Schlotter, Garrett Baker, and David Orr.

Legal Counsel: Jeff Lewis.

II. INVOCATION BY MAYOR BOB BRUGGEMAN

III. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST

IV. OPEN FORUM: COMMENTS FROM THE PUBLIC

Per Council rules, comment time is limited to five minutes, or ten minutes if using a translator. Before comments are made, a speaker must complete an information sheet and give to the City Secretary. If your comment pertains to an agenda item with a scheduled public hearing or public comment, the Council requires that you make your comment at that time; you do not need to complete an information sheet.

There were no public comments made at Open Forum.

V. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

Council made no appointments or reappointments to any board, commission or committee.

Minutes Acceptance: Minutes of Dec 14, 2020 6:00 PM (Consent Items)

VI. ITEMS FOR CONSIDERATION*Consent Items*

1. Consider approval of the minutes of the Regular Meeting of the City Council held on November 23, 2020 at 6:00 PM.

*Action Items***VII. FIRST BRIEFINGS - NONE****VIII. PUBLIC HEARINGS**

1. Ordinance No. 2020-130 rezoning a 127.238-acre tract of land (Tracts 2B, 2B1, 2C, 2F, 2G) in the J. E. Janes HRS, A-307, located in the 2500 block of Buchanan Road. Single Family-2 to Industrial-2. Craig Kaufman, representing Greenfield Environmental Multistate Trust, LLC., owner.

Public Hearing: December 14, 2020
 Council Vote: December 14, 2020

2. Ordinance No. 2020-131 granting a Specific Use Permit to allow permanent cosmetics and microblading on Lot 1, Parcel 1, Block 2, Galleria Oaks #1 Addition, located in a tenant space at 5510 Summerhill Road. Mark Van Herpen, representing Medwell Properties LLC, owner. Amanda Ross, agent.

Public Hearing: December 14, 2020
 Council Vote: December 14, 2020

3. Ordinance No. 2020-132 rezoning an approximate 3.75-acre tract of land (Tract 173) in the George Brinlee HRS, A-18, located in the 5800 block of St. Michael Drive. General Retail to Commercial-Planned Development. NLR Warehouse, LP and Fred Kahler, Inc., owners. Richard Reynolds, agent.

Public Hearing: December 14, 2020
 Council Vote: December 14, 2020

4. Ordinance No. 2020-134 rezoning an approximate 1.228-acres being Tracts 62B, 62C, 62D, Flower Acres Addition, located at 3311 Kidd Lane. Single Family-2 to Single Family-3. Jeffrey and Peggy Robey, owners. (A 3/4 vote of the City Council is required to approve this request.)

Public Hearing: December 14, 2020
Council Vote: December 14, 2020

5. Ordinance No. 2020-135 granting a Specific Use Permit to allow the location of a double-wide HUD code manufactured home on an approximate 1.228-acres being Tracts 62B, 62C, 62D, Flower Acres Addition, located at 3311 Kidd Lane. Jeffrey and Peggy Robey, owners. (A 3/4 vote of the City Council is required to approve this request.)

Public Hearing: December 14, 2020
Council Vote: December 14, 2020

6. Resolution No. 2020-140 approving the Community Development Block Grant (CDBG) 2019 Comprehensive Assessment Performance Evaluation Report.

Public Hearing: December 14, 2020
Council Vote: December 14, 2020

IX. ITEMS FOR DISCUSSION

Staff Updates

X. ADMINISTRATIVE COMMENTS

1. City Council
2. City Staff

XI. ADJOURNMENT

City of Texarkana, Texas

Version:

Briefing Sheet

Update Date: 1/8/2021 10:52 AM

Lead Department: Planning & Zoning Commission **Action Officer:** Jennifer Evans, City Secretary
Ordinance No. 2020-133 rezoning a 5-acre tract of land being Tract 7D in the M E P & P Rwy. Co. HRS, A-433, located at 2800 West 15th Street. Multiple Family-1 to Planned Development-Neighborhood Service. Xiaoqing (Williams) Zhang, Texas Investments & Property, under contract to purchase. Bryan Henry, agent.

Subject: Henry, agent.

Briefing: 1/11/2021 **Public Hearing:** 1/25/2021 **Council Vote:** 1/25/2021

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Z-20-24: This is a request by Xiaoqing Zhang, Texas Investments & Property, under contract to purchase, and Brian Henry, agent to rezone an approximate 5-acre tract of land being Tract 7D, M E P & P RWY Co. HRS, A-433, located at 2800 W. 15th Street from Multiple Family-1 to Planned Development Neighborhood Service This property was originally a governmental armory and has been vacant for many years. It should be noted that this property is in a flood plain. The proposed use is mixed uses such a flea market, retail and wholesale for new and used goods.

The adjacent zoning is Single Family-2 to the north, and Multiple Family-1 to the east, south and west. The adjacent land use is a residence to the north, residences and multi-family use to the west, and vacant wooded area to the south and east.

The Future Land use map designated this property as "High Density Residential".

If this request is approved, staff would suggest the following stipulations be placed in the Ordinance:

1. Monument style sign (6' x 8') be allowed. (No CEVMS)
2. Hours of operation to be 9:00 am to 5:00 pm.
3. Any outdoor lighting be shielded and directed away from residential uses in the area.

This property has been vacant for many years. West 15th is a heavily used thoroughfare similar to Milam Street in the Rosehill area. Staff recommends for approval of this request with stipulations.

The applicant should also be aware that if this zoning change is approved, all other applicable city code/ordinance requirements must be met including but not limited to building codes, setbacks, subdivision, fire, parking, flood plain, drainage, water and sewer prior to the issuance of building permits.

All notification and application requirements have been met to consider this request.

Potential Options:

City of Texarkana, Texas

- Approve or Deny
-

Fiscal Implications:

Not Applicable

Staff Recommendation:

Staff recommends for approval of this request.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommended for approval with stipulations.

Advisory Board/Committee Meeting Date and Minutes:

December 7, 2020

Attachments

- a. 2020-133 ORD rezoning at 2800 W 15th Street (DOCX)
- b. 2020-133 EXH 'A' Legal Description (PDF)
- c. 2020-133 ATTH 01 Maps (PDF)

Staff Coordination

Planning and Community Development	Jennifer Evans	Department Head Review
Skipped	01/08/2021 10:52 AM	
City Council	Vicky Coopwood	Meeting
6:00 PM	Pending	01/11/2021

Meeting History

ORDINANCE NO. 2020-133

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING A 5-ACRE TRACT OF LAND BEING TRACT 7D IN THE M E P & P RWY. CO. HRS, A-433, LOCATED AT 2800 WEST 15TH STREET IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS FROM MULTIPLE FAMILY-1 TO PLANNED DEVELOPMENT-NEIGHBORHOOD SERVICE; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone an approximate **5-acre tract of land being Tract 7D in the M E P & P Rwy. Co. HRS, A-433 (EXH 'A') located at 2800 West 15th Street** in the City of Texarkana, Bowie County, Texas, from **Multiple Family-1 to Planned Development-Neighborhood Service**; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted unanimously five (5) to zero (0) to recommend the application for rezoning from Multiple Family-1 to Planned Development-Neighborhood Service on an approximate 5-acre tract of land being Tract 7D in the M E P & P Rwy. Co. HRS, A-433 (EXH 'A') located at 2800 West 15th Street** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Multiple Family-1 to Planned Development-Neighborhood Service** is in the best interest of the public health, safety, morals and general welfare of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS:

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone an approximate **5-acre tract of land being Tract 7D in the M E P & P Rwy. Co. HRS, A-433 (EXH 'A') located at 2800 West 15th Street** in the City of Texarkana, Bowie County, Texas, from **Multiple Family-1 to Planned Development-Neighborhood Service**.

SECTION 2: That the following terms and conditions are imposed and made a part of this ordinance:

1. Monument style sign (6' x 8') be allowed. (No CEVMS)
2. Hours of operation to be 9:00 am to 5:00 pm.
3. Any outdoor lighting be shielded and directed away from residential uses in the area.

SECTION 3: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 5: That this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **25th day of January, 2021.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

2020-133 EXH 'A'

Z-220-24

EXHIBIT A**Legal Description****Tract No. A-100:**

A tract or parcel of land in the city of Texarkana, Bowie County, Texas, being a part of Lot "H" of Block 7 of the subdivision of a part of the M.E.P. and P.Ry. Survey, Abstract No. 433, and being more particularly described as:

Beginning at a point on the centerline of West 15th Street, said point being 104.00 feet East of the intersection of the centerline of West 15th and Victory Drive, said point being the Point of Beginning; thence continuing East along the centerline of West 15th Street 362.60 feet; thence S. 17° 27' W. 305.5 feet; thence South 438.64 feet, more or less, to a point on the centerline of West 13th Street extended; thence West along the extended centerline of West 13th Street, 280.0 feet, more or less, to a point, said point being the Southeast corner of a tract owned by the Texarkana Housing Authority; thence North 730.0 feet, more or less to the Point of Beginning. The area is designated as Tract No. A-100 – USAR Training Center Site, Texarkana, Texas, and contains 5.00 acres, more or less.

Tract No. A-101:

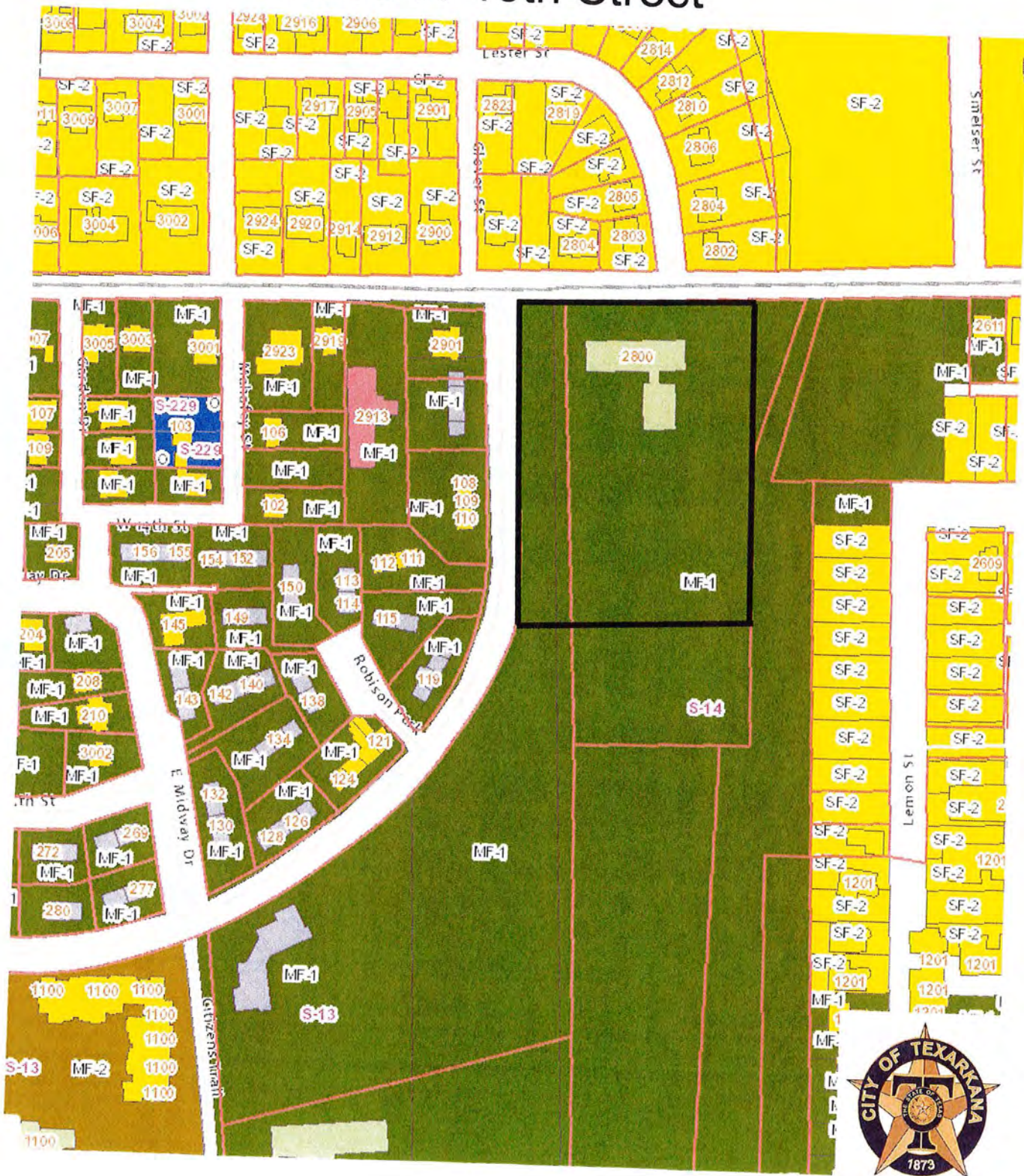
A tract or parcel of land in the city of Texarkana, Bowie County, Texas, being a part of Lot "H" of Block 7 of the subdivision of a part of the M.E.P. and P.Ry. Survey, Abstract No. 433, and being more particularly described as:

Beginning at the intersection of the centerlines of West 15th and Victory Drive; thence East 104.0 feet along the centerline of said West 15th Street; thence South 730.00 feet, more or less, to a point on the centerline of West 13th Street extended; thence 195.0 feet, more or less to a point on the centerline of said Victory Drive; thence in a northeasterly and northerly direction along centerline of Victory Drive to the Point of Beginning. The area is designated Tract No. A-101, USAR Training Center Site, Texarkana, Texas, and contains 2.00 acres, more or less.

2020-133 ATTH 01

Z-20-24

2800 W 15th Street

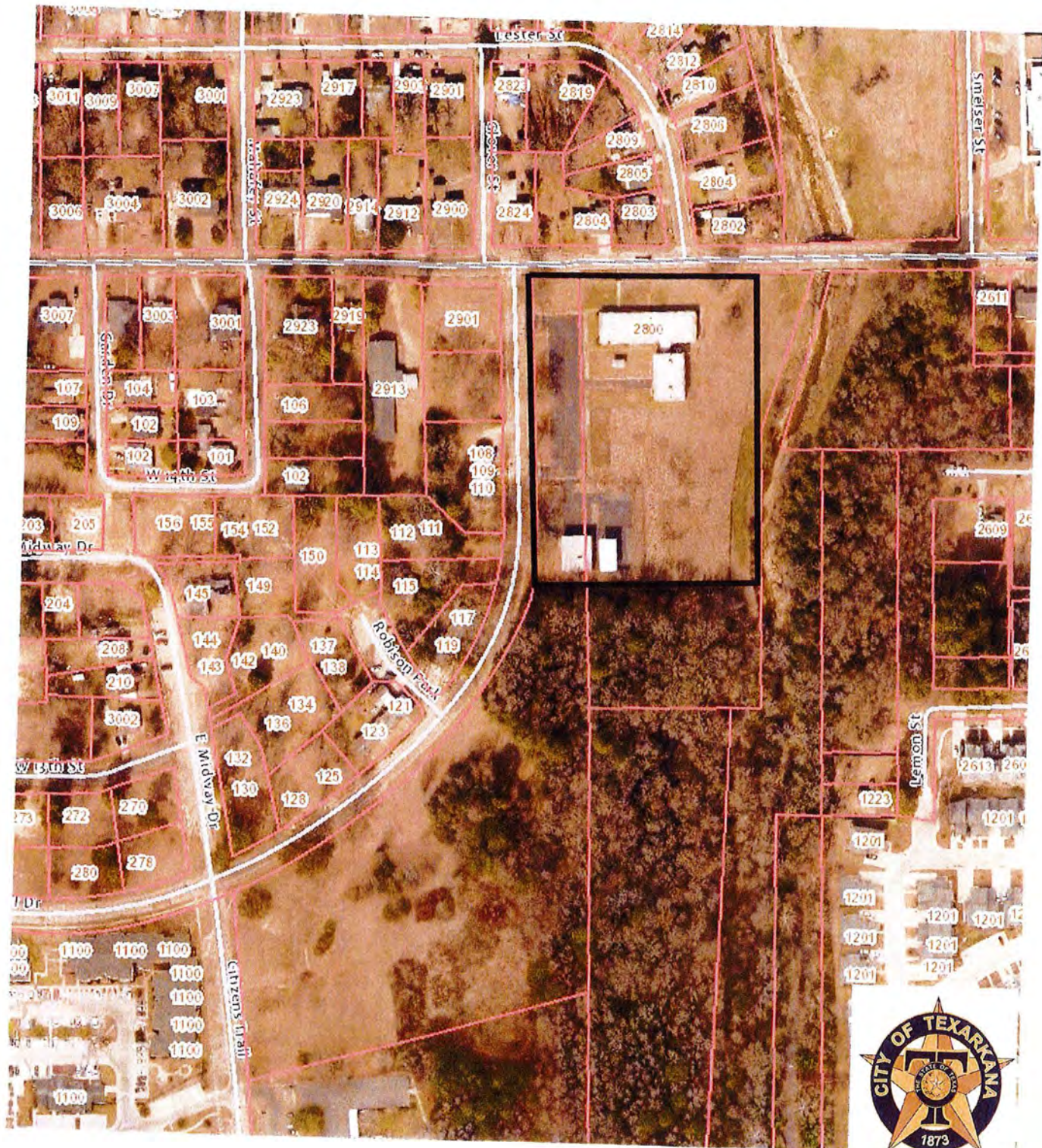


Attachment: 2020-133 ATTH 01 Maps (2427 : 2020-133 ORD rezoning 2800 W. 15th)

2020-133 ATTH 01

Z-20-24

2800 W 15th Street



Attachment: 2020-133 ATTH 01 Maps (2427 : 2020-133 ORD rezoning 2800 W. 15th)



City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 1/8/2021 11:10 AM

Lead Department: Planning & Zoning Commission **Action Officer:** Jennifer Evans, City Secretary
Ordinance No. 2021-001 rezoning Lots 4-6, Block 4, Lots 1-6 and Lots 9-12, Block 5 South Texarkana Addition, located in the 2000-2100 block of South State Line Avenue and 2100 block of Spruce Street. Agriculture to Single Family-3. Keith Wiley and Southark Properties, LLC, owners. (A 3/4 vote of the City Council is required to approve this request.)

Subject:

Briefing: 1/11/2021 **Public Hearing:** 1/25/2021 **Council Vote:** 1/25/2021

Item Schedule

Updates/History of Briefing:

Pursuant to the signatures on the attached letter of opposition, the signatures represented more than 20% of the property owners within 200 feet of the proposed project. Therefore, a 3/4 vote will be required by City Council to approve this request.

Executive Summary and Background Information:

Z-20-26: This is a request by Keith Wiley, representing Southark Properties, LLC, owners, to rezone Lots 4-6, Block 4, Lots 1-6 and Lots 9-12, Block 5, South Texarkana Addition, located in the 2000-2100 block of South State Line Avenue and the 2100 block of Spruce Street from Agriculture to Single Family-3. These properties are mostly vacant lots with two of the lots having homes on them. Single family housing is proposed for these lots.

The adjacent zoning is Agriculture to the north, south and west and the City of Texarkana Arkansas to the east. The adjacent land use is residential.

The Future Land use map designated this property as "Rural Residential".

The proposed use is the construction of small two-bedroom and three-bedroom single family homes on each lot. The lots in this area were platted with a 50' width. The reason for rezoning is that Single Family-3 zoning allows 50' wide lots. The construction of new single-family homes is a revitalization to this area located south of town. Therefore, staff recommends for approval of this request.

The applicant should also be aware that if this zoning change is approved, all other applicable city code/ordinance requirements must be met including but not limited to building codes, setbacks, subdivision, fire, parking, drainage, water and sewer prior to the issuance of building permits.

All notification and application requirements have been met to consider this request.

Potential Options:

- Approve or deny.
-

City of Texarkana, Texas

Fiscal Implications:

Not Applicable

Staff Recommendation:

Staff recommends for approval of this request.

Advisory Board/Committee Review:

Planning and Zoning Commission.

Board/Committee Recommendation:

The Planning and Zoning Commission recommended for approval by a vote of five (5) to one (1).

Advisory Board/Committee Meeting Date and Minutes:

December 7, 2020

Attachments

- a. 2021-001 ORD rezoning 2000-2100 S State Line (DOCX)
- b. 2021-001 ATTH 01 Maps (PDF)
- c. 2021-001 ATTH 02 Letter of Opposition (PDF)

Staff Coordination

Planning and Community Development	Jennifer Evans	Department Head Review
Skipped	01/08/2021 10:51 AM	
City Council	Vicky Coopwood	Meeting
6:00 PM		Pending 01/11/2021

Meeting History

Z-20-26

ORDINANCE NO. 2021-001

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING LOTS 4-6, BLOCK 4, LOTS 1-6 AND LOTS 9-12, BLOCK 5, SOUTH TEXARKANA ADDITION, LOCATED IN THE 2000-2100 BLOCK OF SOUTH STATE LINE AVENUE AND 2100 BLOCK OF SPRUCE STREET IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS FROM AGRICULTURE TO SINGLE FAMILY-3; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone **Lots 4-6, Block 4, Lots 1-6 and Lots 9-12, Block 5, South Texarkana Addition, located in the 2000-2100 block of South State Line Avenue and 2100 block of Spruce Street** in the City of Texarkana, Bowie County, Texas, from **Agriculture to Single Family-3**; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and after holding hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas **voted four (4) to one (1) to recommend for approval of the application for rezoning from Agriculture to Single Family-3** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Agriculture to Single Family-3** is in the best interest of the public health, safety, morals and general welfare of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS:

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone **Lots 4-6, Block 4, Lots 1-6 and Lots 9-12, Block 5, South Texarkana Addition, located in the 2000-2100 block of South State Line Avenue and 2100 block of Spruce Street** in the City of Texarkana, Bowie County, Texas, from **Agriculture to Single Family-3**.

Attachment: 2021-001 ORD rezoning 2000-2100 S State Line (2426 : 2021-001 ORD rezoning 2100 blk S. State Ln & Spruce)

SECTION 2: It is further provided that in case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this Ordinance.

SECTION 3: All Ordinances or parts of Ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 4: That this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **25th** day of **January, 2021**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

2000-2100 S State Line

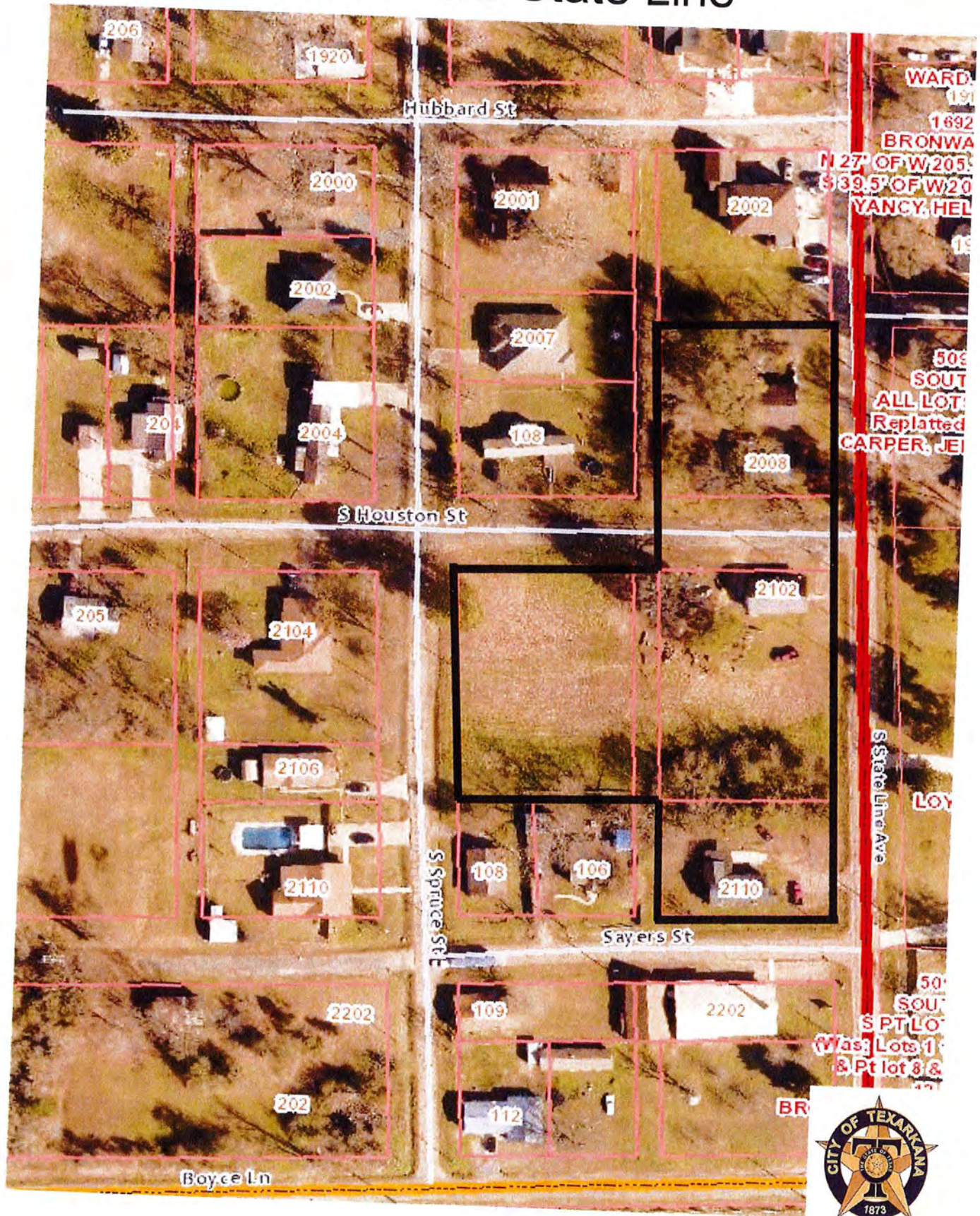


Attachment: 2021-001 ATTH 01 Maps (2426 : 2021-001 ORD rezoning 2100 blk S. State Ln & Spruce)

2020-001 ATTH 1

Z-20-26

2000-2100 S State Line



Attachment: 2021-001 ATTH 01 Maps (2426 : 2021-001 ORD rezoning 2100 blk S. State Ln & Spruce)

NEIGHBORHOOD OPPOSITION TO REZONING

This shall serve as a petition in protest/opposition to rezoning as proposed in case number Z-20-26, affecting areas in the 2000 and 2100 block of South Stateline and the 2100 block of S. Spruce Street.

This area is a stable community comprised of lifelong residents, many of whom are elderly, retirees, disabled, and some working class families with small children. The neighborhood is quiet and peaceful and we would like it to stay that way. We, the undersigned neighbors and property owners in this area, vehemently object to rezoning for the following reasons:

We contend Mr. Wiley knew or should have known of the current zoning prior to purchase from Mr. Paddock, who tried to rezone the property for multi-family dwelling.

We contend that there are plenty of other options in the City already zoned for the use purpose Mr. Wiley desires, rather than spot zoning in our neighborhood.

We contend that the significant and intense jump from agriculture to SF-3 would bring high density growth, heavy traffic, noise, elimination of adjoining neighbors' privacy, and potential rise in crime, as opposed to a slower growth plan of nice SF-1 homes and plans of potential privacy fencing, maintained alley ways, widened roads. We contend this is just an end-run around the system to place as many structures and people on one block of property as possible, diminishing the value of land of other property owners, disrespecting the peace and dignity of the current neighbors. This magnitude of change will have the same or similar affect of multi-family housing.

We also contend Mr. Wiley is not currently maintaining the structures or land he currently owns in this neighborhood which would lead us to presume he is not going to be concerned with the future structures and their affects on the neighborhood.

The majority, if not all, neighbors, and 100 percent of the neighbors within 200 feet of this property, oppose the rezoning. No one relishes the idea of months of construction, increased traffic and noise, overcrowding of a very quiet neighborhood and especially not waking up to a possible trailer park in our front and back doors.

So as neighbors, property owners and voters in the City of Texarkana Texas, we urge you to decline a zoning change for this property.

Signatures in Opposition to the Rezoning as proposed:

Signature and Printed Name of resident/owner

Address

Tabbatha Kopech Tabbatha Kopech adjoining property
106 Sayers TX TX

Jeff Jackson Jeff Jackson 106 Sayers TX TX

Paula Jackson Paula JACKSON 106 SAYER TX TX.
with Cody Power & Shanda Power 202 Boyce Ln TX. 7

2007 S. Spruce TX TX

Rebecca Cook 2104 S. Spruce TX TX 21 yrs

Eddy Cook 2104 S Spruce 21 yrs

Cocina Hall 53 yrs

Charles E Hartman 204 Houston^{TX} 34 YEARS

Elaine Hartman 204 Houston Tex TX 34 years

Josh Davis 2004 S Spruce st, TX. 7 years

Courtney Davis 2004 S Spruce, TX 7 years

David Webb 2110 S Spruce Street Texarkana Tex.

Georgia Webb 2110 S Spruce Street Texarkana Tex. 3

David Webb 108 Sayers Street Texarkana Tex

David Webb 109 Sayers Street Texarkana Tex

Pastor Roosevelt Thompson FCH 2202 SOUTH STATE LANE TX

David Webb 2106 S Spruce Street Texarkana Tex

Attachment: 2021-001 ATTH 02 Letter of Opposition (2426 : 2021-001 ORD rezoning 2100 blk S. State Ln & Spruce)

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 1/8/2021 10:31 AM

Lead Department: City Manager **Action Officer:** Jennifer Evans, City Secretary
Subject: Ordinance No. 2021-004 amending Chapter 28 “Offenses and Miscellaneous Provisions” of the Code of Ordinances by amending Article VI “Reserved” to “Operation and Landing of Helicopters”.

Briefing: 1/11/2021 **Public Hearing:** 1/25/2021 **Council Vote:** 1/25/2021

Item Schedule

Updates/History of Briefing:

N/A

Executive Summary and Background Information:

Last month, it was brought to the Mayor’s attention that a helicopter had been landing at ground level about twice a week in the vicinity of an elementary school within the city limits when children were present on the school campus. The Mayor requested that the City Attorney research and submit for review to the Council an ordinance addressing public safety issues of helicopter ground landings.

After a review of certain ordinances of other Texas home-rule municipalities and certain FAA regulations, the City Attorney prepared the attached ordinance for the Council’s review and consideration. Generally, unless an exception applies, if an area which is neither a heliport nor helistop is intended to be used as a helicopter landing area, this draft ordinance focuses City oversight on the safety of the public in the vicinity of that area and the helicopter’s approach to that area by requiring the landowner of the intended “temporary touchdown area” to secure a “temporary landing permit” for the helicopter.

The exceptions fall within three general categories: (1) law enforcement and licensed air medical providers; (2) federal/state/local government authorization for helicopter landing and take-off on grounds owned or operated by such governmental entities; and (3) use authorized by the City Council, Mayor, City Manager, Chief of Police, Fire Chief / Emergency Management Coordinator, or their respective designees.

Potential Options:

All options – adopting, revising, committing to further study, or declining adoption – are available to the Council.

City of Texarkana, Texas

Fiscal Implications:

If the Council desires to proceed on consideration to adopt this ordinance, an administrative recommendation on amending the Master Fee List to include a fee for a “temporary landing permit” as described in the draft ordinance will be submitted for Council consideration.

Staff Recommendation:

Staff defers to the discretion of the City Council.

Advisory Board/Committee Review:

N/A

Board/Committee Recommendation:

N/A

Advisory Board/Committee Meeting Date and Minutes:

N/A

Attachments

- a. 2021-004 ORD Helicopter Operations (DOCX)

Staff Coordination

City Manager	Jennifer Evans	Department Head Review	Completed	
	01/08/2021 10:52 AM			
Municipal Prosecutor	Jennifer Evans	Asst. City Attorney Review	Skipped	
	01/08/2021 10:31 AM			
City Attorney	Jennifer Evans	City Attorney Review	Skipped	01/08/2021
	10:31 AM			
City Manager	Jennifer Evans	City Manager Review	Completed	01/08/2021
	10:52 AM			
City Council	Vicky Coopwood	Meeting	Pending	01/11/2021
	6:00 PM			

Meeting History

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ORDINANCE NO. 2021 – 004

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING CHAPTER 28 “OFFENSES AND MISCELLANEOUS PROVISIONS” OF THE CODE OF ORDINANCES OF THE CITY OF TEXARKANA, TEXAS, BY AMENDING ARTICLE VI “RESERVED” TO “OPERATION AND LANDING OF HELICOPTERS”; PROVIDING DEFINITIONS, RESTRICTIONS ON OPERATION AND EXCEPTIONS, REQUIREMENTS FOR TEMPORARY TOUCHDOWN AREAS AND CRITERIA FOR TEMPORARY LANDING PERMITS; PROVIDING FOR PUBLICATION; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Texarkana, Texas (“City”), a home-rule city possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of the Texas Local Government Code, and the City Charter for the City of Texarkana, Texas, possesses authority to adopt and implement necessary and reasonable ordinances in the best interest and safety of its citizenry; and

WHEREAS, the City Council determines that it is in the best interest of the citizens of the City to amend the Code of Ordinances by adopting provisions addressing the safe operation, landing, and takeoff of helicopters within the City’s corporate limits.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS:

SECTION 1: Article VI “Reserved” of Chapter 28, “Offenses and Miscellaneous Provisions”, of the Code of Ordinances of the City of Texarkana, Texas, is hereby amended in its entirety to read as follows:

Article VI. – Operation and Landing of Helicopters.

Section 28-181. – Definitions.

For the purpose of this article, the following words and phrases shall have the meanings herein ascribed to them, except where the context clearly indicates a different meaning:

FAA. The Federal Aviation Administration of the United States government.

FAR. The Federal Aviation Regulations found in Title 14, Code of Federal Regulations.

Helicopter. Any rotorcraft that depends principally for its support and motion in the air upon the lift generated by one (1) or more power-driven rotors, rotating on a substantially vertical axis.

Attachment: 2021-004 ORD Helicopter Operations (2428 : 2021-004 ORD Helicopter Operations Chap 28)

Heliport. A touchdown area used or intended to be used for the landing and taking off of helicopters, and accessory uses thereto, and any adjacent areas, buildings, or facilities used or intended to be used for heliport buildings and heliport facilities.

Helistop. A helistop shall be construed the same as a heliport except that no refueling, maintenance, repairs, or storage of helicopters is permitted. *Helistop* shall not include an area of land or water or a structural surface which is used exclusively or intended for exclusive use for the landing and take-off of aerial helicopter ambulances used in emergency situations.

Touchdown area. That area of ground surface, elevated platform, or roof of a building or parking garage which is used for landing and take-off of helicopters.

Section 28-182. – Restrictions on operation; exceptions.

- (a) It shall be unlawful to operate a helicopter within the corporate limits of the city unless each of the following criteria are met:
 - (1) Each and every helicopter must be registered with the FAA and have an existing (not revoked) airworthiness certificate issued by the FAA;
 - (2) Each and every person operating such helicopter must possess a current, valid pilot's license issued by the FAA;
 - (3) The operation and flight of the helicopter within the corporate limits of the city must comply with applicable FAR and Texas law; and
 - (4) The operation and flight of the helicopter must be to or from a heliport or helistop; provided, however, that the landing and take-off at temporary touchdown areas (i.e., sites other than heliports or helistops) may be authorized in advance by the landowner requesting and obtaining a written, temporary landing permit issued by the city manager or designee pursuant to section 28-183 of this article.
- (b) It shall be unlawful for any person to drop, throw, hurl or release, or cause to be dropped, thrown, hurled or released, any object from a helicopter while flying or airborne.
- (c) Exceptions: The provisions of subsection (a)(4) of this section shall not apply to any helicopter or pilot of a helicopter under the following circumstances:
 - (1) a helicopter used either by law enforcement agencies or licensed air medical providers; or

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- (2) a helicopter authorized by a federal, state, or local governmental entity for landing on and/or take-off from areas owned or controlled by such governmental entity;
- (3) a helicopter used by authority of the City Council, Mayor, City Manager, Chief of Police, Fire Chief / Emergency Management Coordinator, or their respective designees.

Section 28-183. – Temporary touchdown areas; temporary landing permits.

- (a) The owner of the land on which a temporary touchdown area is located shall be responsible for implementing and maintaining each of the following requirements of this subsection:
 - (1) The touchdown area shall be sufficiently fenced or otherwise restricted from public access during landing and take-off operations and at such other times as may be deemed reasonably appropriate for safety and security purposes.
 - (2) The touchdown area must be a minimum 75 ft. by 75 ft. (150 sq. ft.) and have a visual means to determine wind direction (e.g., wind sock, weather vane, smoke stack, flags, etc.).
 - (3) The touchdown area must have at least one clear approach and departure path.
 - (4) The touchdown area must have additional lighting for night landings and takeoffs.
 - (5) The touchdown area shall not contain loose objects that may be blown up into the rotor system or engine intakes.
 - (6) The landing surface must be dry, firm, level, and able to support the weight of the aircraft.
 - (7) Passenger protection must be provided at all times when the helicopter is operated on the ground; passengers must never approach or depart the helicopter unless escorted by a crewmember or ground personnel trained in helicopter safety procedures.
 - (8) A high and low reconnaissance of the touchdown area must be performed prior to committing to a landing.
 - (9) A person on the ground responsible for safety of the touchdown area must be present for any landing and must be in radio contact with the helicopter pilot before and during the landing process.

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- (10) The touchdown area complies with or exceeds the minimum standards required by the FAA and the FAR.
- (b) A temporary landing permit may be requested on a case-by-case basis only by the landowner of the property on which a temporary touchdown area is intended to be located. Such request shall be in writing directed to the city manager, must specify the desired effective date and time for the permit, and must provide documentation evidencing or otherwise satisfying each of the following criteria:
- (1) The temporary touchdown area complies with subsection 28-183(a) of this article [and the name and contact information of the person on the ground responsible for safety of the touchdown area, *see* subsection 28-183(a)(9), must be disclosed].
 - (2) Approach areas to and from the temporary touchdown area shall be reasonably clear of obstruction, and no obstruction should extend above an imaginary line outward from the temporary touchdown area at an angle of seven feet (7') to one foot (1') of height, that is, one foot (1') of height allowable for each seven feet (7') of distance from the landing area.
 - (3) There must be an undeveloped path of approach and takeoff from the temporary touchdown area to safely facilitate a forced landing in the event of a malfunction or other emergency.
 - (4) All approach and take-off paths must avoid congested areas, heavily populated urban areas, existing air traffic operations, and environmentally sensitive areas.
 - (5) The temporary touchdown area shall not be located within 1,000 feet of a church, school, library, public road, or public park; provided, however, that the city manager or designee may modify this criterion when the requesting landowner provides the city manager with written consent of any and all affected persons and entities.
 - (6) The airworthiness certificate for any helicopter that will be using the temporary touchdown area [*see* subsection 28-182(a)(1) of this article], and any accident and/or incident information involving such helicopter reported to the FAA within two (2) years from the date of the request.
 - (7) The pilot's license for any pilot that will be using the temporary touchdown area [*see* subsections 28-182(a)(1), (a)(2) of this article] and any accident and/or incident information involving such pilot reported to the FAA within two (2) years from the date of the request.
 - (8) A written agreement signed by the landowner, owner of the helicopter, pilot of the helicopter, and any passenger or passengers of the helicopter,

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agreeing to release, indemnify, and hold harmless the City of Texarkana, Texas, and its elected officials, officers, employees, agents, and representatives, against all claims of liability and causes of action resulting from injury or damage to property or person (including death) arising out of or in any way relating to the temporary landing area and/or the issuance of the requested temporary landing permit.

In addition to these criteria, the city manager or designee may specify, and the landowner shall submit, any additional information as may be required for administrative review of the request.

The city manager may designate one or more city departments to review the request.

The city manager shall have final authority to grant or deny a request for a temporary landing permit. The city manager may deny without prejudice to resubmission an incomplete or deficient request. The city manager may deny with prejudice to resubmission serial incomplete or deficient requests. Any request received by the city manager within sixty (60) days of the desired effective date may be deemed untimely and denied without review.

Section 28-184. – Administrative Regulations.

The city manager may promulgate administrative regulations and forms for the administration of this article.

Section 28-185. – Disclaimer of liability.

The city in no event shall be liable for any injury or damage to property or person (including death) occasioned in any way in connection with the construction, establishment, maintenance, or operation of any touchdown area or in connection with the issuance of a temporary landing permit.

Section 28-186. – Penalty; injunctive relief.

- (a) Any person, firm, or corporation violating any of the provisions or terms of this article shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall constitute a separate offense.
- (b) Any person, firm, or corporation violating any of the provisions or terms of this article may be enjoined by a suit filed by the city in a court of competent jurisdiction, and this remedy shall be in addition to other penalty provisions.

Secs. 28-187—28-200. - Reserved.

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SECTION 2: The City Council finds and determines that adopting the foregoing provisions addressing the safe operation, landing, and takeoff of helicopters within the city is in the best interest of the citizens of the City for the protection of their health, welfare, and safety.

SECTION 3: The City Secretary shall give notice of the passage of this ordinance as provided in Article XI, Section 3 of the Charter of the City of Texarkana, Texas.

SECTION 4: In case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a Court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this Ordinance.

SECTION 5: This Ordinance shall be in full force and effect ten (10) days after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **25th day of January, 2021.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR